UNITED STATES PATENT AND TRADEMARK OFFICE

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/052,099	01/18/2002	Francesco Caruso	1385	9867

9941   7590   02/22/2005

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EXAMINER
NANO, SARGON N

ART UNIT	PAPER NUMBER
2157	

DATE MAILED: 02/22/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE <u>3</u> MONTH(S) FROM
THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed
  after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
  Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any
  earned patent term adjustment. See 37 CFR 1.704(b).

Status

1) ☒ Responsive to communication(s) filed on *18 January 2002*.

2a) ☐ This action is **FINAL**.   2b) ☒ This action is non-final.

3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is
closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4) ☒ Claim(s) *1-16* is/are pending in the application.

    4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5) ☐ Claim(s) _____ is/are allowed.

6) ☒ Claim(s) *1-16* is/are rejected.

7) ☐ Claim(s) _____ is/are objected to.

8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9) ☐ The specification is objected to by the Examiner.

10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.

    Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

    Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

    a) ☐ All   b) ☐ Some * c) ☐ None of:

      1. ☐ Certified copies of the priority documents have been received.

      2. ☐ Certified copies of the priority documents have been received in Application No. _____.

      3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage
application from the International Bureau (PCT Rule 17.2(a)).

    * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)

2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)

3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____.

4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____.

5) ☐ Notice of Informal Patent Application (PTO-152)

6) ☐ Other: _____.

DETAILED ACTION

This action is responsive to application filed on Jan. 18, 2001. Claims 1 – 16 are

pending examination.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that

form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

Claim1 – 16 are rejected under 35 U.S.C. 102(e) as being anticipated by Chu et

al U.S. Patent No. 6,263-367 (referred to hereafter as Chu).

As to claim 1, Chu teaches a system for adaptive notification in a data

communications network, the system comprising:

a data transport network (see col. 8 lines 12-30 Chu discloses a computer

network);

a client comprising a client-side adaptive notification processor in communication

with the data transport network (see col. 6 lines 54-67 Chu discloses a response

message sent to a user) ; and

a server comprising a server-side adaptive notification processor in communication with the data transport network (see col. 7 lines 1-15, Chu discloses a "web Check" which supports periodically updating operations).

As to claim 2, Chu teaches the system of claim 1, wherein the client is operable to:

send registration information to the server (see col. 9 lines 17-30);

poll the server at a time period based on a refresh interval (see col. 10 lines 20-35); and

receive adaptive notifications including a refresh interval from the server (see col. 10 lines 65-col. 11 lines 13).

As to claim 3, Chu teaches the system of claim 2, wherein the registration information is sent to the server independently (see col. 9 lines 17 – 34).

As to claim 4, Chu teaches the system of claim 2, wherein the registration information is sent to the server upon request from the server (see col. 9 lines 5 – 54).

As to claim 5, the system of claim 2, wherein the client is further operable to update its internal refresh interval with the refresh interval received in the adaptive notifications (see col. 10 lines 65-col. 11 lines 13).

As to claim 6, Chu teaches the system of claim 1, wherein the server is operable to:

receive registration information from the client (see col. 9 lines 15-34);

receive a request for an adaptive notification from the client (see col. 9 lines 43-60);

calculate a refresh interval (see col. 9 lines 43-60); and

send the adaptive notification including the calculated refresh interval to the client

(see col. 10 lines 65-col. 11 lines 13).

As to claim 7 Chu teaches the system of claim 6, wherein the server is further

operable to calculate the refresh interval based at least in part upon a number of clients

registered with the server (see col. 10 lines 65-col. 11 lines 13).

As to claim 8, Chu teaches the system of claim 6, wherein the server is further

operable to calculate the refresh interval based at least in part upon the registration

information from the client (see col. 9 lines 15-60).

As to claim 9, Chu teaches the system of claim 6, wherein the registration

information includes a class and the calculation of the refresh interval is based at least

in part upon the class and established for every client in that class (see col. 10 lines 5-

64).

As to claim 10, Chu teaches a method for implementing adaptive notification in a

client in a client-server system, the method comprising:

sending registration information to a server; polling the server at a time interval

based on a stored refresh interval (see col. 9 lines 15-34);

receiving an adaptive notification from the server, the adaptive notifications

including an updated refresh interval (see col. 9 lines 43-60); and

storing the update refresh interval in the client as the stored refresh interval (see

col. 9 lines 43-60).

As to claim 11, Chu teaches the method of claim 10, wherein the registration information is sent to the server independently (see col. 9 lines 43-60).

As to claim 12, Chu teaches the method of claim 10, wherein the registration information is sent to the server in response to a request from the server (see col. 9 lines 43-60).

As to claim 13, Chu teaches a method of implementing adaptive notification in a server in a client-server system, comprising:

receiving registration information from a client; receiving a request for an adaptive notification from the client (see col. 9 lines 15-34);

calculating a refresh interval based on the registration information from the client (see col. 9 lines 43-60); and

sending the adaptive notification to the client, the adaptive notification including the refresh interval (see col. 9 lines 43-60).

As to claim 14, Chu teaches the method of claim 13, wherein the refresh interval is calculated based at least in part upon a number of clients registered with the server (see col. 10 lines 65-col. 11 lines 13).

As to claim 15, Chu teaches the method of claim 13, wherein the refresh interval is calculated based at least in part upon the registration information from the client (see col. 9 lines 43-60).

As to claim 16, Chu teaches the method of claim 13, wherein the registration information includes a class and the calculation of the refresh interval is based at least

in part upon the class and the calculation is established for every client in that class

(see col. 9 lines 43-60).

Conclusion

The prior art made of record and not relied upon is considered pertinent to

applicant's disclosure.

- Object Framework And Services For Periodically Recurring Operations

  by D'Souza et al. U.S. patent No. 6,745,224.

- Spreadsheet User-Interface For An Internet-Document Change

  Detection Tool. by Freivlad et al. U.S. patent No. 5,983,268

- Intelligent Method , Apparatus and Computer program Product For

  Automated refreshing Of Internet web Pages by Bates et al. U.S. patent

  No. 6,275,858.

- Notification Of Use Of Network- Enabled Device by Shteyn U.S. patent

  No.6,838,986.

- Managing Conditions In A Network by Justice,Jr. et al. U.S. patent No.

  6,418,469.

Any inquiry concerning this communication or earlier communications from the

examiner should be directed to Sargon N Nano whose telephone number is (571) 272-

4007. The examiner can normally be reached on 8 hour.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's

supervisor, Ario Etienne can be reached on (571) 272-4001. The fax phone number for

the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the

Patent Application Information Retrieval (PAIR) system. Status information for

published applications may be obtained from either Private PAIR or Public PAIR.

Status information for unpublished applications is available through Private PAIR only.

For more information about the PAIR system, see http://pair-direct.uspto.gov. Should

you have questions on access to the Private PAIR system, contact the Electronic

Business Center (EBC) at 866-217-9197 (toll-free).

Sargon Nano
AU 2157
Feb. 10, 2005

ARIO ETIENNE
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER